

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-18-072
-vs-)	
)	DECISION
DAVID BOYED VANBOUCHAUTE,)	
)	
Defendant.)	

On October 25, 2018, the District Court revoked the Defendant's suspended sentence entered on June 14, 2018, for the offense of Count I: Criminal Endangerment and Count II: Partner or Family Member Assault (2nd Offense). The Court sentenced the Defendant to the Department of Corrections for seven (7) years, with none suspended. The Court recommended the Defendant be placed at the Montana State Prison pursuant to the Defendant's specific request for such placement.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Dawson County Correctional Facility and was represented by Brent Getty of the Office of State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive and should be decreased. The Division's decision is to amend the Judgment to **DECREASE the sentence to four (4) years to the Department of Corrections with no time suspended.**

Done in open Court this 2nd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
David Boyed Vanbouchaute #3024373, Defendant (2)
Hon. Deborah Kim Christopher
Brent Getty, Defense Counsel
Brendan McQuillan, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division